

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID A. LUSTER, :
:
Petitioner, :
:
v. : No. 4:18-CV-1059
:
ACTING WARDEN WHITE, : (Judge Brann)
:
Respondent. :

ORDER

AND NOW, this 14th day of June 2018, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Luster's habeas corpus petition is **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court is directed to **CLOSE** this case.
3. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge